

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12-20-07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
DIANE JULIA WYLIE,

Plaintiff,

07 Civ. 6045 (DLC) (DFE)

- against -

MEMORANDUM AND ORDER

This is not an ECF case

BEDFORD HILLS CORRECTIONAL FACILITY OF
THE STATE OF NEW YORK, DR. KRAMER,
NURSE ROBERTS, OFFICER GENTILE, and
CENTRAL NEW YORK PSYCHIATRIC CENTER,

Defendants.
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

My Memorandum and Order dated October 10, 2007 noted that Ms. Wylie is serving a sentence of 25 years to life for murder. *See People v. Wylie*, 756 N.Y.S.2d 801 (4th Dept. 2003), leave denied, 763 N.Y.S.2d 825 (June 16, 2003). I directed Ms. Wylie to send me a signed answer to certain questions; on October 18, 2007, she sent me a letter (with a copy to AAG Schultze) giving the following answers:

1. Have you ever presented any federal court with a habeas petition challenging your murder conviction?

Answer: No.

2. If the answer to Question # 1 is "No," please explain why you did not commence any federal habeas proceeding. Answer: I was in the frame of mind; that the prison system, was for truth, Justice and the American way. I wanted to remain in prison due to my financial dilemma created by the outcome of my murder trial;

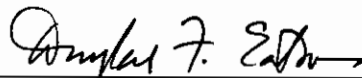
Ms. Wylie's answer continues for five more pages. She has also sent me other lengthy letters. They contain many personal details and therefore, for the time being, I will not docket them in the public court file but instead will hold them in my chambers file. (In one of her letters, she enclosed her Bedford Hills inmate program card; I am returning it to the Guidance & Counseling Dept. at Bedford Hills.)

Meanwhile, the U.S. Marshals have served the Complaint and a

summons on three of the defendants. Dr. Kramer has filed an Answer. AAG Schulze has made a motion to Judge Cote to dismiss the Complaint as to one defendant, namely the Central New York Psychiatric Center. Defendant Nurse Roberts is scheduled to file an Answer or a motion by January 18, 2008. The Marshals are in the process of serving the two remaining defendants.

I hereby grant Ms. Wylie an extension until February 29, 2008 to respond to any motion that has been made or will be made by any defendant in this lawsuit.

I will discuss all of these matters in **my Initial Case Management Conference, which will be held by telephone on Wednesday, February 13, 2008, at 10:00 a.m.** I direct the officials of Bedford Hills Correctional Facility (or any other facility that may have custody of Diane Wylie on February 13) to bring Ms. Wylie to a telephone so that I may talk with her from **10:00 a.m. to 11:00 a.m. on February 13, 2008.** I direct AAG Daniel Schulze to come to my chambers (Room 1360 at 500 Pearl Street) on February 13, 2008 at 9:45 a.m. and to bring any pertinent documents so that he and I can conduct the telephone conference with Ms. Wylie promptly at 10:00 a.m. I direct AAG Schulze to coordinate all necessary arrangements in advance with the authorities who have custody of Ms. Wylie. I would prefer that AAG Schulze bring to my chambers a telephone number and extension so I can dial to the prison; however, it would be acceptable if an officer brings Ms. Wylie to the telephone and dials to my chambers (212-805-6175).



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
December 20, 2007

Copies of this Memorandum and Order are being sent by mail to:

Guidance & Counseling Dept.
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507
(enclosing Ms. Wylie's inmate program card)

Diane Julia Wylie
00-G-0602
Bedford Hills Correctional Facility
247 Harris Road, P.O. Box 1000
Bedford Hills, NY 10507-2499

Daniel Schulze, Esq.
Assistant Attorney General
State of New York
120 Broadway
New York, NY 10271-0332

Pro Se Office
Room 230, U.S. Courthouse
500 Pearl Street
New York, NY 10007

Hon. Denise L. Cote